HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 355(S/S) of 2004

Bhuwan Chandra Kandpal
S/o Sh. B.D. Kandpal
R/o G.B. Pant Hospital
Campus Distt. Nainital ……..Petitioner

Vs.

State of Uttaranchal through
Its secretary medical Health,
Civil Secretariat Dehradun
And others. ……..Respondents

Counsel for the petitioenr Sh. Ashish Joshi
Counsel for the respondent Sh. M.C. pant
And Miss. Seema Sirohi

Dated- 8-4-2004

Hon'ble Rajesh Tandon J.

Heard Shri Ashish Joshi learned counsel for the petitioner and Sh. M.C.Pant and Miss. Seema Sirohi for the respondents.

By the present writ petition the petitioner has prayed for the issue of a writ order or direction in the nature of mandamus directing the respondents to pay the interest of 18% per annum to the petitioner on the amount of arrears of salary due to the petitioner.

Brief facts giving rise to the present writ petition are that the petitioenr was appointed on the post of junior clerk in the year 1970 and he was lastly promoted on the post of officer superintendent on

17-1-98 in the office of C.M.O Nainital. The petitioner was promoted as officer superintendent in the pay scale of Rs. 1400-2600(revised Rs. 5000-8000). The petitioenr had completed 30 years of services and he was given the pay scale of Rs. 4500-7000 when he was working on the post of Senior Asst./ Upper Divisional Clerk. When he was promoted on the post of officer superintendent on 17.1.98 of pay scale of Rs. 5000-8000. The petitioner was not paid above-mentioned pay scale from July 1998 to June 2002. The petitioner has filed a writ petition No. 876(S/S) of 2001 against the respondent before this Hon'ble Court and the order passed by Hon'ble Mr. A.C.J P.C. Verma was passed on 13-9-2001 who was pleased to direct the respondent to pay the salary to the petitioner or to show cause. The same are quote below:-

"Heard learned counsel for applicant/petitioner. The respondents are directed either to pay arrear of salary to the petitioner or to show cause within six weeks."

The first representation has been made by the petitioenr on 7-7-2002 and after that the petitioenr has again made a representation to the respondent on 13-7-2002 and 25-4-2003 stating his grievance to pay the interest on the delayed payment of arrear of salary from July 1998 to March 2002.

The grievance of the petitioner is that his representation has not been decided.

In view of the aforesaid facts and circumstances the respondent is directed to decide the representation of the petitioenr within a period of 6 weeks after production of the certified copy of the order.

Both the parties have agreed that the petition may be disposed of at admission stage.

The writ petition is disposed of accordingly.

Dt. 8-4-2004 **Rajesh Tandon J.**

M.K